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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,605	09/29/2003	Jun-soo Jeong	1572.1132	8533

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EXAMINER
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EDWARDS, ANTHONY Q

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/671,605	JEONG, JUN-SOO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Anthony Q. Edwards	2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 and 33-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 13, 15, 16, 32-60 and 62 is/are rejected.
- 7) ☒ Claim(s) 11, 14, 17-31 and 61 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>see pg. 2</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Information Disclosure Statement*

Receipt is acknowledged of the information disclosure statements filed July 28, October 19, and November 18, 2005, which information has been reviewed and entered into the application.

The information disclosure statements received have been placed in the application file, but the information referred to therein has not been considered as to the merits. See the attached forms PTO-1449 (29 sheets).

The numerous references and materials listed on the submitted 29 sheets make it difficult to determine whether or not any of the references, or parts of the references, are material to applicants' claimed invention. It is noted that applicants, in their several IDS submissions, do not indicate any particular reference or parts of references which they deem "material" to the patentability of the pending claims under 37 CFR 1.56(b).

Applicants are reminded of the standard set forth in the leading inequitable conduct case of *J.P. Stevens & Co. v. Lex Tex Ltd.*, 747 F.2d 1553, 223 USPQ 1089 (Nov. 9, 1984), *cert. denied*, 106 S.Ct. 73 (1985): Where none of the prior art cited during prosecution teaches a key element of the claim(s) and where a reference known to the applicants) does, the applicants) should know that reference is material. Thus, if applicants are aware of any cited reference from among the information disclosures of 5-17-95, 9-1-95, or 9-10-96 that are "material," applicants should make that reference known to the examiner.

It is also noted that a "misrepresentation is material if it makes it impossible for the Patent Office fairly to assess [the patent] application against the prevailing statutory criteria." *In re Multidistrict-Litig. Involving Forst Patent*, 540 F.2d 601, 604, 191 USPQ 241, 243 (3d Cir. 1976); *see also Monsanto Co. v. Rohm & Haas Co.*, 456 F.2d 592, 600, 172 USPQ 323, 329 (3d Cir.), *ce.rt. denied*, 407 U.S. 934, 174 USPQ 129 (1972). And, the submission of voluminous

documents in the instant information disclosure statements (here, in excess of 80 documents) make it difficult, and likely impossible, for the Patent Office to fairly assess applicants' application against the prevailing statutory criteria.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 8-10, 12, 13, 15, 16, 33, 34, 36-38, 44-55, 57-59 and 62 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,834,329 to Delapp. Referring to claim 1, Delapp discloses a monitor (see Figs. 1 and 2) including a monitor main body (2) displaying an image thereon, and a base member (9) supporting the monitor main body, the monitor comprising a base hinge (15) coupled to the base member (9), a lower link member (12) rotatably combined to the base hinge (15) provided in the base member, a monitor hinge (16) coupled to the monitor main body, an upper link member (13) rotatably combined to the monitor hinge (16) coupled to the monitor main body (2), a link hinge (14) provided between the upper link member (13) and the lower link (12) member to allow the upper link member to rotate relative to the lower link member (see Fig. 2 and col. 2, lines 66-68 and col. 3, lines 1-4), and a first auxiliary link member (54) disposed parallel to the lower link member at a first position deviated from first axes of the link hinge and the base hinge to connect the lower link member with the upper link member through the link hinge and transmit a rotary motion from the lower

link member relative to the base member to the upper link member through the link hinge. See col. 4, lines 15-68.

Referring to claim 2, Delapp discloses a monitor, further comprising a second auxiliary link member (70) disposed parallel to the lower link member at a second position deviated from second axes of the link hinge and the base hinge to connect the link hinge with the base member (see right side of Fig. 5), and a third auxiliary link member (70a) disposed parallel to the upper link member at a third position deviated from third axes of the monitor hinge and the link hinge to connect the monitor hinge with the link hinge (see left side of Fig. 5). See also col. 5, lines 1-3).

Referring to claim 8, Delapp discloses a monitor, further comprising first and second base brackets (17) spaced apart from each other and combined to the base member, wherein the base hinge (15) comprises first and second base hinge parts (not numbered) rotatably connecting lower opposite parts of the lower link member to the first and second base brackets, respectively. See Figs. 1, 2 and 4, as well as col. 3, lines 5-12.

Referring to claims 9 and 12, Delapp discloses a monitor, wherein the first and second base hinge parts, respectively, comprise a hinge pin (26) formed with a first end (not numbered) having a circular cross section (between elements 68 and 17) and a second end (21) having a noncircular cross section (52), a pin accommodating part (56) formed on one of the lower opposite parts of the lower link member to accommodate the first end of the first hinge pin to be rotatable therein (see Fig. 4), and a pin holding part (53) formed on one side of the first base bracket and fitting the second end of the first hinge pin therein. See Fig. 3 and col. 4, lines 23-32.

Referring to claims 10 and 13, Delapp discloses a monitor, wherein the first and second base hinge parts, respectively, comprise a friction spring (65) disposed between the pin accommodating part (56) and the first end of the hinge pin to resist a rotation of the hinge pin. See Fig. 3 and col. 4, lines 23-32.

Referring to claim 15, Delapp discloses a monitor, wherein the link hinge (14) comprises first (41) and second link (40) hinge parts rotatably connecting upper opposite parts of the lower link member (12) with lower opposite parts of the upper link member (13), respectively. See Figs. 2 and 4.

Referring to claim 16, Delapp discloses a monitor, wherein the first link hinge part comprises a first hinge axle (34 left side, Fig. 8) combined to one of the lower opposite parts of the upper link member and one of the upper opposite parts of the lower link member (12) (i.e., via plate 39) to rotatably connect the one lower opposite part of the upper link member (13) with the one upper opposite part of the lower link member (see figs. 2 and 8), a first axle accommodating part (56 left side) formed on the one upper opposite part of the lower link member to receive the first hinge axle (34) rotatable therethrough, and a first axle holding part (i.e., cut-out at element 40, Fig. 8) formed on the one lower opposite part of the upper link member and combined with a first end (i.e., cantilevered portion of 39) of the first hinge axle (34) to rotate coincidentally with the upper link.

Referring to claim 33, Delapp discloses a monitor, wherein the lower link forms a first angle with the base member, the upper link forms a second angle with the monitor main body, the lower and upper link members form a third angle, and the first, second, and third angles are

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changed when the monitor main body is moved with respect to the base member. See Figs. 2 and 3 and the corresponding specification.

Referring to claim 34, Delapp discloses a monitor, wherein the main angle can be maintained constant when the other (i.e., first, second and third) angles are changed. See col. 4, lines 15-68.

Referring to claim 36, Delapp discloses a monitor, including a monitor main body (2) displaying a picture thereon and a base member (9) supporting the monitor main body, the monitor comprising a lower link member (12) rotatably combined with the base member, an upper link member (13) rotatably combined with the monitor main body, and a link hinge (14) rotatably coupled between the upper link member and the lower link member to move the monitor main body with respect to the base member, wherein the monitor main body forms a main angle with the base member and is moved to be parallel to the base member according to movements of the lower and upper link members, and a first auxiliary link member (54) having one end (i.e., at 18) rotatably coupled to the base member and another end (i.e., at 40) rotatably coupled to the upper link member. See Figs. 1 and 2 and col. 2, line 67 through col. 3, lines 1-4.

Referring to claims 37 and 44, Delapp discloses a monitor, wherein the first auxiliary link member (54) is disposed on a line different from a center line passing through an axis of the link hinge (see Fig. 4).

Referring to claim 38, Delapp discloses a monitor, further comprising a base hinge (15) fixedly coupled to the base member (9), wherein the one end of the first auxiliary link member is rotatably coupled to the base hinge (see Figs. 2 and 4).

Referring to claim 45, Delapp discloses a monitor, wherein the first auxiliary link member (54) comprises a plurality of link members disposed on lines from the center line passing through axes of the link hinge and the base hinge. See Fig. 4, as well as col. 4, lines 46-59, which teach two separate bands that make up element 54.

Referring to claim 46, Delapp discloses a monitor, wherein the link members of the first auxiliary link member are disposed to be parallel to each other when the upper and lower link members are moved with respect to the base member (i.e., the separate bands maintain parallel relationship to each other throughout the movement of the device).

Referring to claim 47, Delapp discloses a monitor, wherein the link members of the first auxiliary link member are disposed to be parallel to the lower link member when the monitor main body moves with respect to the base member (i.e., the separate bands maintain parallel relationship to the lower link throughout the movement of the device).

Referring to claims 48, 49 and 51, Delapp discloses a monitor, further comprising a second auxiliary link member (70) having one end (at 65) rotatably coupled to the base member and another end (at 40) rotatably coupled to the link hinge, and a third auxiliary link member (70a) having one end (at 44) rotatably coupled to the link hinge and another end (at 16) rotatably coupled to the monitor main body.

Referring to claim 50, Delapp discloses a monitor, wherein the second auxiliary link member (70) is disposed on a line different from a center line passing through an axis of the link hinge (see right side of Fig. 5).



Referring to claim 52, Delapp discloses a monitor, wherein the third auxiliary link member (70a) is disposed on a line different from a center line passing through an axis of the link hinge (see left side of Fig. 5).

Referring to claim 53, Delapp discloses a monitor, further comprising a base hinge (15) fixedly coupled to the base member (9), and rotatably coupled to the one end of the second auxiliary link member (70), and a monitor hinge (16) fixedly coupled to the monitor main body (2), and rotatably coupled to the one end of the third auxiliary link member (70a). See Figs. 1, 2 and 5.

Referring to claim 54, Delapp discloses a monitor, wherein the second auxiliary link member (70) comprises a plurality of link members (i.e., separate bands 61 and 69) disposed on lines parallel to a center line passing through axes of the link hinge (14) and the base hinge. See right side of Fig. 5 and col. 4, lines 60-68.

Referring to claim 55, Delapp discloses a monitor, wherein the link members of the second auxiliary link member (70) are disposed to be parallel to each other when the upper and lower link members are moved with respect to the base member (i.e., the separate bands maintain parallel relationship to each other throughout the movement of the device).

Referring to claim 57, Delapp discloses a monitor, wherein the third auxiliary link member (70a) comprises a plurality of link members (i.e., separate bands) disposed on lines parallel to a center line passing through axes of the link hinge and the monitor hinge. See left side of Fig. 5 and col. 4, lines 60-68.

Referring to claims 58 and 59, Delapp discloses a monitor, wherein the link members (61 and 69) of the third auxiliary link member are disposed to be parallel to each other when the

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upper and lower link members are moved with respect to the base member (i.e., the separate bands maintain parallel relationship to each other throughout the movement of the device).

Referring to claim 62, Delapp discloses a monitor as essentially claimed, including a first auxiliary link member (54) having one end rotatably coupled to the base member and another end rotatably coupled to the upper link member, a second auxiliary link member (70) having one end rotatably coupled to the base member and another end rotatably coupled to the link hinge, and a third auxiliary link member (70a) having one end rotatably coupled to the link hinge and another end rotatably coupled to the monitor main body. See Figs. 1, 2 and 5.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 35, 39-43, 56 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delapp. Referring to claims 35 and 39, Delapp discloses the invention as substantially claimed, wherein Fig. 2 shows a device can be modified to adjust as claimed. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the monitor of Delapp such that the lower link member is disposed parallel to the base member when the main body member is disposed parallel to the base member, since this would provide for a compact arrangement for carrying purposes.

Referring to claim 40, Delapp discloses the invention as substantially claimed, wherein the lower and upper link members form a maximum angle and a minimum angle according to a

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movement of the monitor main body with respect to the base member (see Fig. 2 and the corresponding specification).

Referring to claim 41, Delapp discloses the invention as substantially claimed, wherein the lower and upper link members form the minimum angle when the monitor main body is moved to be parallel to the base member, and the lower and upper link members form the maximum angle when the monitor main body is moved to be perpendicular to the base member (see Fig. 2 and the corresponding specification).

Referring to claim 42, Delapp discloses the invention as substantially claimed, wherein the main angle is maintained constant while the lower and upper link members are moved between the maximum angle and the minimum angle (see Figs. 1 and 2 and the corresponding specification).

Referring to claim 43, Delapp discloses the invention as substantially claimed. See Fig. 9 and the corresponding specification.

Referring to claims 56 and 60, Delapp discloses the invention as substantially claimed, except for the lines corresponding to the respective link members of the second auxiliary link member and third auxiliary link member, respectively, being deviated from the center line passing through axes of the link hinge and the base hinge and monitor hinge, respectively, by a distance. It would have been obvious to one having ordinary skill in the art at the time of the invention to deviate or place the lines of the respective link members away from the center line passing through the respective axes, since it has been that rearranging parts of an invention involves only routine skill in the art (see *In re Japikse*, 86 USPQ 70).

Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delapp in view of U.S. Patent No. 5,422,951 to Takahashi et al. Referring to claims 3 and 7, Delapp discloses the invention as claimed, except for a base bracket to install the base member to a flat wall or an inclined wall. Takahashi et al. disclose wall mounting (see Figs. 2, 6 and 7) an electronic device (i.e., a telephone), wherein a base bracket (22/30) is combined to a base member (20) to install the base member onto a plane (61/62). Takashashi et al. also disclose the base bracket (22/30) comprising at least one hook (see lower portion of Fig. 7), and the base member (20) comprising at least one hook hole (see lower portion of Fig. 7) receiving the hook to latch the base bracket to detachably combine the base bracket to the base member.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the monitor of Delapp to include a base bracket, as taught by Takashashi et al., since the device of Takashashi et al. would provide the monitor of Delapp with a simple and secure means of installing the monitor onto a wall for overhead viewing.

Referring to claim 4, Delapp in view of Takashashi et al. disclose a monitor as claimed, including the base bracket (22/30) comprises at least one first combining hole (40b) to install the base bracket to the plain or inclined plane. See Figs. 6 and 7 of Takashashi et al.

Referring to claim 5, Delapp in view of Takashashi et al. disclose a monitor as claimed, wherein the base bracket (22/30) comprises at least one second combining hole (40a) to be combined with the base member. Although a third combining hole corresponding to the second combining hole is not disclosed, it would have obvious to one having ordinary skill in the art at the time of the invention to further modify the base to include additional holes to provide better stability for the bracket.

Referring to claim 6, Delapp in view of Takashashi et al. disclose a monitor as substantially claimed, since it is well known in the art of monitor brackets to provide a well-known standard, such as "VESA," to allow the device to be used in a variety settings.

*Allowable Subject Matter*

Claims 11, 14, 17-31 and 61 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: referring to claim 11, Delapp does not teach or suggest providing a torsion spring on the spring support of the first bracket. It would not have been obvious at the time of the invention to include this specific limitation, in combination with the remaining element or steps.

Referring to claim 14, the specific details of the rotation restricting part are not taught or suggested by the prior art references, and would not have been obvious provide the same.

Referring to claim 17, the specific details of the second link hinge part are not taught or suggested by the prior art references, and would not have been obvious provide the same.

Claims 18-31 depend, either directly or indirectly, from claim 17 and are therefore allowable for at least the same reasons.

Referring to claim 61, the specific limitation of the first auxiliary link member being moved to be parallel to the second auxiliary link member, in combination with the remaining elements or steps is not taught or suggest by the prior art references.

*Response to Arguments*

Applicant's arguments filed December 27, 2005 have been fully considered but they are not persuasive. Regarding claim 1, as indicated above, Examiner contends that Delapp does teach "a first auxiliary link member (54) disposed parallel to the lower link member at a first position deviated from first axes of the link hinge and the base hinge," since Fig. 4 of Delapp shows 54 connected or attached to the edge of the hub members, and not the center portion.

Referring to claim 2, the second and third auxiliary link members of Delapp (70) are disposed parallel to the lower and upper links, respectively, since spring member are parallel to the side portions of the link housing (12 and 13). Likewise, the second and third position of the second and third auxiliary link members of Delapp are deviated from second and third axes, respectively, as claimed, since the spring members (70) are connected or attached to the edge of the hub members, and not the center portions (see Fig. 5).

Regarding applicant's argument that the springs (70) are not auxiliary members, this is unfounded since the springs provide assistance in maintaining the position of the monitor.

In response to applicant's argument that Delapp does not teach the first auxiliary link member rotatably couples the lower link member with the upper link member, and the first auxiliary member transmits a rotary motion from the lower link member relative to the base member to the upper link member (claims 36 and 62), a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Regarding applicants arguments relating to claims 49 and 51, applicant is directed to the above rejection for a description of the second auxiliary link member having one end rotatably coupled to the base member and another end rotatably coupled to the link hinge, and the third auxiliary link member having one end rotatably coupled to the monitor main body and another end rotatably coupled to the link hinge.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Q. Edwards whose telephone number is 571-272-2042. The examiner can normally be reached on M-F (7:30-3:00) First Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 8, 2006  
aqe



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